

REMARKS

A. Background

1. Office Action

Claims 1-87 were pending.

In the Office Action, the pending claims were determined to be directed to the following patentably distinct species of the disclosed invention:

Species A: a catheter connection system as depicted in Figures 1-9 as including a cylindrical shaft and a connection stem with a single barb having a barrier wall at the shoulder thereof that is perpendicular to the longitudinal axis of the connection stem;

Species B: a catheter connection system depicted in Figures 10-10A as including a frustoconical shaft and a pair of barbs having barrier walls at the shoulders thereof that are other than perpendicular to the longitudinal axis of the connection stem;

Species C: a catheter connection system depicted in Figure 11 as including a Species A connection system used in the context of a catheter repair kit; and

Species D: a catheter connection system depicted in Figures 12-13 as including a Species A connection system used in the context of an implantable vascular access port.

Accordingly, applicants have been required under 35 U.S.C. § 121 to elect a single of the disclosed species for prosecution on the merits.

## 2. Notice of Non-Compliant Amendment

In response to the Office Action, a Amendment “A” and Response to Species Election Requirement and related materials were filed in the United States Patent and Trademark Office on May 18, 2004. Therein, the response to the species election requirement in the Office Action was identical to that presented below in Topic B.

In the Amendment “A” and Response to Species Election Requirement, no claim was amended, no claim was deleted, and no new claim was added for consideration. Thus, seemingly in full compliance with 37 C.F.R. § 1.121(c), no complete presentation of the pending claims was included.

Nonetheless, in the Notice of Non-Compliant Amendment, the materials filed on May 18, 2004, were considered to be incomplete as lacking such a complete presentation of the pending claims.

As a result, the undersigned conducted a telephone conference on September 28, 2004, with Legal Instruments Examiner Annette Rivers. At that time, it was indicated that, notwithstanding the provisions of 37 C.F.R. § 1.121(c), it is preferred by way of convenience for the Examiner that a complete presentation of the pending claims be provided in any filed document affecting the merits

or affecting formal matters, whether or not changes, deletions, or additions are therein effected to the pending claims.

In consequence, this document includes such a complete presentation of the pending claims.

B. Action on the Merits: Response to the Species Election Request

In response to the outstanding species election requirement, provisionally elected for prosecution on the merits is the Species A embodiment of the disclosed technology depicted in Figures 1-9. There the elected species can be seen to comprise a catheter connection system that includes a connection stem with a cylindrical shaft and a single barb having a barrier wall at the shoulder thereof that is perpendicular to the longitudinal axis of the connection stem.

The following claims are respectfully submitted to be readable on the elected species illustrated in Figures 1-9.

Claims 1-4, 9-14, 18, 20, 22-34, 37-39, 41, 42, 45-57, 62, 63, 68-75, and 78-87.

In addition, the following claims are respectfully submitted to be generic to all of the four (4) identified species of the invention:

Claims 1, 2, 9, 14, 20, 23-26, 37, 38, 41, 42, and 45-48.

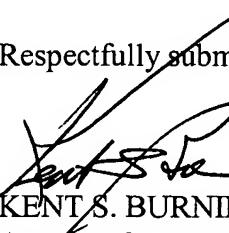
C. Conclusion

Accordingly, it is submitted that an examination on the merits of Claims 1-4, 9-14, 18, 20, 22-34, 37-39, 41, 42, 45-57, 62, 63, 68-75, and 78-87 is now in order, and such examination is hereby requested.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application which could be resolved by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

DATED this 29<sup>th</sup> day of September, 2004.

Respectfully submitted,

  
KENT S. BURNINGHAM  
Attorney for Applicant  
Registration No. 30,453

TRASKBRITT, PC  
230 South 500 East, Suite 300  
Salt Lake City, Utah 84102 USA  
Telephone: (801) 532-1922  
Toll Free: (800) 900-2001  
Facsimile: (801) 531-9168

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